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Attorneys for Defendant
INNOVATION VENTURES, LLC dba
LIVING ESSENTIALS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

HANSEN BEVERAGE COMPANY, a
Delaware corporation,

Plaintiff,

v.

INNOVATION VENTURES, LLC dba LIVING
ESSENTIALS, a Michigan corporation,

Defendant.

Case No. 08-cv-1166 IEG (WVG)

**LIVING ESSENTIALS' *EX PARTE*
MOTION TO COMPEL HANSEN
BEVERAGE COMPANY TO FURTHER
RESPOND AND PRODUCE
DOCUMENTS IN RESPONSE TO
LIVING ESSENTIALS' THIRD AND
FOURTH SETS OF DOCUMENT
REQUESTS AND THIRD SET OF
INTERROGATORIES**

Special Briefing Schedule Ordered

*[Memorandum of Points and Authorities and
Declaration of Mark B. Mizrahi in support
thereof concurrently filed]*

PLEASE TAKE NOTICE THAT, having obtained the Court's prior permission, Innovation Ventures LLC dba Living Essentials ("Living Essentials") hereby moves this Court on an *ex parte* basis for an order compelling Hansen Beverage Company ("Hansen") to: (1) amend its responses to Document Request Nos. 81-99, 104- 115 from Living Essentials' Third Set of Document Requests and Document Request Nos. 116 through 127 from Living Essentials' Fourth Set of Document Requests to state that it will comply as requested by stating that, aside from privileged or immune documents, it is not withholding any documents from production based on any of its objections; (2) promptly produce all of the requested non-privileged and non-immune documents – in the case of spreadsheets, in native format – together with the requisite Rule 26(b)(5) log; (3) provide complete substantive responses to Interrogatory No. 8-14 and 16-20 from Living Essentials' Third Set of Interrogatories; and (4) inform Living Essentials in writing as to whether, in connection with its current and prior document searches, Hansen's had searched for documents from its sales force relating to Hansen's energy drink division(s).

CERTIFICATION OF COMPLIANCE WITH FED. R. CIV. P. 37(d)

As set forth in the attached Declaration, Living Essentials has complied with the "meet and confer" requirement set down by Fed. R. Civ. P. 37(d).

Dated: December 30, 2009

BROOKS KUSHMAN P.C.

By /s/ -Mark B. Mizrahi

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CERTIFICATE OF SERVICE

I am employed in the COUNTY of LOS ANGELES, STATE of CALIFORNIA. I am over the age of 18 and not a party to the within action; my business address is 6701 Center Drive, Suite 610, Los Angeles, CA 90045.

On December 30, 2009, I filed the following document: LIVING ESSENTIALS' EX PARTE MOTION TO COMPEL HANSEN BEVERAGE COMPANY TO FURTHER RESPOND AND PRODUCE DOCUMENTS IN RESPONSE TO LIVING ESSENTIALS' THIRD AND FOURTH SETS OF DOCUMENT REQUESTS AND THIRD SET OF INTERROGATORIES

by electronically filing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Norman L. Smith, Esq.
Edward J. McIntyre, Esq.
**SOLOMON WARD SEIDENWURM &
SMITH**
401 B Street, Suite 1200
San Diego, CA 92101

Attorneys for Plaintiff,
HANSEN BEVERAGE COMPANY

Executed on December 30, 2009 at Los Angeles, California. I hereby certify that I am a member of the Bar of this Court.

/s/ - Mark B. Mizrahi